

**MINUTES OF THE CITY COMMISSION MEETING
JUNE 14, 2004**

The City of Leesburg Commission held a regular meeting Monday, June 14, 2004, in the Commission Chambers at City Hall. Mayor Knowles called the meeting to order at 5:30 p.m. with the following members present:

Commissioner John Christian
Commissioner Bob Lovell
Commissioner Lewis Puckett
Mayor David Knowles

Commissioner Ben Perry was absent due to illness. City Clerk Richardson and Deputy City Clerk Gibson Smith were attending a conference. Others present were City Manager (CM) Ron Stock, City Attorney (CA) Fred Morrison, Finance Director (FD) Bill Pfeilsticker, the news media, and others.

Economic and Housing Director Ken Thomas gave the invocation followed by the Pledge of Allegiance to the Flag.

**APPROVED CITY COMMISSION MINUTES OF THE REGULAR MEETING HELD
MAY 24, 2004**

Commissioner Lovell moved to approve the City Commission minutes of the regular meeting held May 24, 2004. Mayor Knowles noted the property on Canal Street known as the Bourley property is not for sale. Commissioner Puckett seconded the motion and it carried unanimously.

PRESENTED SERVICE AWARD

Fire Chief Dennis Sargent presented a service award to Jerry Ponds for thirty years in the Fire Department.

PRESENTED CERTIFICATES TO THE LEESBURG PAGEANT WINNERS

Mayor Knowles presented certificates to Leesburg Pageant Winners: Kelsie Odum, Tiny Miss Leesburg; Sierra Ford, Junior Miss Leesburg; Tiffany Aspinwall, Teen Miss Leesburg; and Cassie Burbank, Miss Leesburg. Sarina Sanders, Little Miss Leesburg, was unable to attend the meeting.

**HEARD PRESENTATION ON PRELIMINARY DESIGN OF THE PROPOSED NEW
LIBRARY AND APPROVED THE DESIGN**

Ward Friszolowski, Harvard Jolly Clees, introduced members of his design team. Mr. Friszolowski presented information on the process the firm used to come up with the final design. He noted the final design will incorporate a small plaza area in front of the building similar to City Hall. Construction should begin in January 2005 and be completed by January 2006.

CM Stock stated the design will be shown to the Historic Preservation Committee as well as the design committee and the public.

MINUTES OF THE JUNE 14, 2004 CITY COMMISSION MEETING

Commissioner Christian questioned the seating options in the meeting rooms. Mr. Friszolowski stated the seating will be movable and the rooms will have a movable wall to enable connection of the rooms.

Commissioner Puckett stated Harvard Jolly Clees has done a fine job at putting ideas together to come up with the proposed design and moved to approve the design. Commissioner Lovell seconded the motion and stated the proposed design captures the desired style. The motion was approved unanimously.

HEARD PRESENTATION ON PROPOSED IMPACT FEES FOR THE LIBRARY, POLICE, FIRE, AND RECREATION DEPARTMENTS AND AUTHORIZED PREPARATION OF AN ORDINANCE TO ADOPT IMPACT FEES

Deputy City Manager (DCM) Johnson stated this is the first impact fee study on these services. Large annexations in the southern part of the City have shown the impact these annexations have on these services. The purpose of the study was to determine if the fees currently being charged are adequate or whether they need to be adjusted up or down.

Henry Thomas, Public Resources Management Group, Inc. (PRMG) presented information from the impact fee study (a copy of the presentation is attached). He noted that objectives and criteria for the fees on the services are based on the anticipated capital cost of providing services to new developments and the reasonable levels of service standards. Mr. Thomas stated PRMG is recommending adopting the proposed fees and then review the fees on a regular basis. He noted there are no statutory or regulatory laws for these fees.

Commissioner Puckett stated since impact fees cannot be used for operating costs, he would like to see reducing overhead addressed. DCM Johnson stated this should be addressed in the Capital Improvement plan. Staff believes this is an equitable approach for growth to pay its share.

CM Stock reminded everyone that existing housing and businesses do not pay impact fees. Staff is requesting authorization to prepare an ordinance to adopt of impact fees for Police, Fire, and Recreation. Staff is also requesting authorization to draft an interlocal agreement to collect Lake County's Library impact fee. The City will then request a portion of that impact fee.

Commissioner Christian suggested not assessing these fees on new growth if that growth is on property that formerly had buildings on it. CM Stock stated there may be two incentives (low incoming housing and redevelopment) included in the ordinance.

Carrie Williams, concerned citizen, questioned the number of houses expected in the future growth of the City of Leesburg. Mr. Thomas stated projections are for 13,000 homes. Mrs. Williams questioned when the potential traffic problems will be addressed. Mayor Knowles stated the proposed impact fees will probably slow the growth. Also money from these fees will be available.

Commissioner Lovell moved to authorize staff to prepare an ordinance for the impact fees and the interlocal agreement with Lake County. Commissioner Christian seconded the motion. The roll call vote was as follows:

Commissioner Christian	Yea
Commissioner Puckett	Nay

MINUTES OF THE JUNE 14, 2004 CITY COMMISSION MEETING

Commissioner Lovell
Mayor Knowles

Yea
Yea

Three yeas, one nay, the Commission approved authorizing staff to prepare an ordinance for the impact fees and to move forward with an interlocal agreement with Lake County for the collection of their Library impact fees.

PROCLAMATIONS:

Mayor Knowles proclaimed the City of Leesburg's 2004 Election and Qualifying Period by reading the proclamation in its entirety.

CONSENT AGENDA:

Pulled the following items for discussion C-1 (Capital Improvement Plan)

Commissioner Puckett moved to approve the items on the Consent Agenda with the exception of C-1 and Commissioner Lovell seconded the motion. The roll call vote was as follows:

Commissioner Puckett	Yea
Commissioner Lovell	Yea
Commissioner Christian	Yea
Mayor Knowles	Yea

Four yeas, no nays, the Commission approved the Consent Agenda, as follows:

PURCHASING ITEMS:

Phase II Design for Public Works facility on U.S. Hwy 27 awarded to Bentley Architects and Engineers, Inc.

RESOLUTIONS:

RESOLUTION 7146

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement between the City of Leesburg and Bentley Architects & Engineers, Inc. for the purposes of providing design services for the FDOT yard, and providing an effective date.

RESOLUTION 7147

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute a mutual agreement with Purvis Gray and Company to provide auditing services for fiscal year ending September 30, 2004; authorizing fee amounts; and providing an effective date.

RESOLUTION 7148

A resolution of the City Commission of the City of Leesburg, Florida, authorizing execution of an agreement with the School Board of Lake County for the placement of four School Resource Officers; at Oak Park Middle School, at Leesburg High School, and at Carver Middle School; providing for an effective date.

MINUTES OF THE JUNE 14, 2004 CITY COMMISSION MEETING

RESOLUTION 7145

A resolution of the City Commission of the City of Leesburg, Florida, authorizing and directing the Mayor and City Clerk to execute a Satisfaction of Mortgage in favor of Ada Manuel for the purpose of satisfying a mortgage given to secure a City of Leesburg Housing Rehabilitation Program loan; and providing an effective date.

RESOLUTION 7149

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement with PBS&J to provide professional services pursuant to RFP 04-013 for implementation of a computerized maintenance management system; and providing an effective date.

RESOLUTION 7150

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement between the City of Leesburg and Mark Jackson, dba Visibility Sports Marketing for providing water skiing shows for July 4, 2004, 2005, and 2006; and providing an effective date.

RESOLUTION 7151

A resolution of the City Commission of the City of Leesburg, Florida, appointing Sue B. Geiger as a member of the Leesburg Public Library Advisory Board to fill the remaining portion of a five-year term of office to end September 30, 2006; and providing an effective date.

RESOLUTION 7152

A resolution of the City Commission of the City of Leesburg, Florida, establishing the Civic Center Steering Committee; appointing the membership of the Committee; limiting the work of the Committee to a period of twelve months; and providing an effective date.

RESOLUTION 7141

A resolution of the City of Leesburg, Florida, providing for the issuance of not exceeding \$18,000,000 Electric System Revenue Bonds, Series 2004, of the City to finance the acquisition and construction of improvements to the City's electric transmission and distribution system; providing for the issuance of additional bonds and incurrence of obligations under qualified swaps; providing for the payment of such bonds and obligations under qualified swaps from certain revenues of the electric transmission and distribution system; making certain covenants and agreements in connection therewith, including, but not limited to, authorized investments, a rate covenant and covenants regarding defaults and remedies; and providing an effective date.

RESOLUTION 7142

A resolution of the City of Leesburg, Florida, supplementing Resolution 7141 of the City adopted on the date hereof; authorizing the issuance of the City's Electric System Revenue Bonds, Series 2004 in an aggregate principal amount not exceeding \$18,000,000; authorizing the acquisition and construction of improvements to the City's electric system and the application of proceeds of the Series 2004 Bonds to pay the cost thereof; authorizing a City authorized representative to award the sale of such bonds to Citigroup Global Markets Inc. in accordance with certain parameters set forth herein and approving the form of a bond purchase agreement to be used in connection with such sale; appointing SunTrust Bank as paying agent and registrar; approving the form and authorizing the circulation of a preliminary official statement and authorizing the execution and delivery of a final official statement; authorizing the Finance Director or Deputy Finance Director to deem final the preliminary official statement; approving

MINUTES OF THE JUNE 14, 2004 CITY COMMISSION MEETING

the form of and authorizing the execution of a continuing disclosure certificate; ratifying the City's acceptance of commitments for a bond insurance policy and reserve fund insurance policy for such bonds provided by Financial Guaranty Insurance Company and providing certain covenants for the benefit thereof as an inducement to the issuance of such policies; approving the form of and authorizing the execution and delivery of a Debt Service Reserve Fund Policy agreement in connection with the issuance of the Reserve Fund Insurance Policy by Financial Guaranty Insurance Company; authorizing the negotiation and execution of a Debt Service Deposit agreement; authorizing certain officials of the City to execute any documents and take any actions required in connection with the issuance of said bonds; providing certain other details with respect thereto; providing an effective date for this resolution.

RESOLUTION 7143

A resolution of the City of Leesburg, Florida, providing for the issuance of not exceeding \$25,000,000 Utility System Revenue Bonds, Series 2004, of the City to finance the acquisition and construction of improvements to the City's gas, sewer and water systems; providing for the issuance of additional bonds and incurrence of obligations under qualified swaps; providing for the payment of such bonds and obligations under qualified swaps from certain revenues of the City's gas, sewer and water systems; making certain covenants and agreements in connection therewith, including, but not limited to, authorized investments, a rate covenant and covenants regarding defaults and remedies; and providing an effective date.

RESOLUTION 7144

A resolution of the City of Leesburg, Florida, supplementing Resolution 7143 of the City adopted on the date hereof; authorizing the issuance of the City's Utility System Revenue Bonds, Series 2004 in an aggregate principal amount not exceeding \$25,000,000; authorizing the acquisition and construction of improvements to the City's gas, water and sewer systems and the application of proceeds of the Series 2004 Bonds to pay the cost thereof; authorizing a City authorized representative to award the sale of such bonds to Citigroup Global Markets Inc. in accordance with certain parameters set forth herein and approving the form of a bond purchase agreement to be used in connection with such sale; appointing SunTrust Bank as paying agent and registrar; approving the form and authorizing the circulation of a preliminary official statement and authorizing the execution and delivery of a final official statement; authorizing the Finance Director or Deputy Finance Director to deem final the preliminary official statement; approving the form of and authorizing the execution of a continuing disclosure certificate; ratifying the City's acceptance of commitments for a bond insurance policy and reserve fund insurance policy for such bonds provided by Financial Guaranty Insurance Company and providing certain covenants for the benefit thereof as an inducement to the issuance of such policies; approving the form of and authorizing the execution and delivery of a Debt Service Reserve Fund Policy agreement in connection with the issuance of the Reserve Fund Insurance Policy by Financial Guaranty Insurance Company; authorizing the negotiation and execution of a Debt Service Deposit agreement; authorizing certain officials of the City to execute any documents and take any actions required in connection with the issuance of said bonds; providing certain other details with respect thereto; providing an effective date for this resolution.

APPROVED 10-YEAR CAPITAL IMPROVEMENT PLAN FOR FY 2004-14

CM Stock stated the Capital Plan was originally adopted in March 2003 and was modified by removing the items in this year's budget and then adding in an additional items voted on during the February retreat.

MINUTES OF THE JUNE 14, 2004 CITY COMMISSION MEETING

Commissioner Christian stated, on page 14, the \$300,000 slated for purchase of property for the new gymnasium be added into the funds for the gymnasium since no property will need to be purchased. He noted he would also like to see this project expedited. DCM Johnson stated that change has been made.

Commissioner Puckett questioned if two gymnasiums could be put into the design. CM Stock stated this has been discussed and is being reviewed as an option.

Commissioner Lovell moved to approve the 10-Year Capital Improvement Plan and Commissioner Christian seconded the motion. The roll call vote was as follows:

Commissioner Lovell	Yea
Commissioner Christian	Yea
Commissioner Puckett	Yea
Mayor Knowles	Yea

Four yeas, no nays, the Commission approved the plan.

AMENDED AND RE-ADOPTED 10-YEAR CAPITAL IMPROVEMENT PLAN AS REQUESTED BY THE COMMUNITY DEVELOPMENT CORPORATION CHAIRMAN VANESSA BEAN

Vanessa Bean, chairman of the Community Development Corporation (CDC), addressed the Commission concerning the mention of reuse of the Lee School under future considerations. She requested consideration for the Dabney site to also be mentioned under this topic. Mrs. Bean stated if the Lee School is under consideration, then the Dabney School should also be included.

CM Stock stated the Commission has requested no action be taken during the next year in regards to Lee School. He is not sure the Dabney site should be put into that same category as action may be necessary on the Dabney site during this year.

Vanessa Bean stated if the School Board sees a need in the Dabney area, then the City should include possible funding under future considerations.

Commissioner Christian moved to reconsider the adoption of the 10-Year Capital Improvement. Commissioner Lovell seconded the motion and it passed unanimously.

Commissioner Lovell moved to add the words "and Dabney School" under the future considerations along with Lee School. Commissioner Christian seconded the motion. The roll call vote was as follows:

Commissioner Lovell	Yea
Commissioner Christian	Yea
Commissioner Puckett	Nay
Mayor Knowles	Yea

Three yeas, one nay, the Commission approved amending the plan.

Commission Lovell moved to adopt the 10-Year Capital plan as amended. Commissioner Christian seconded the motion. The roll call vote was as follows:

MINUTES OF THE JUNE 14, 2004 CITY COMMISSION MEETING

Commissioner Christian	Yea
Commissioner Puckett	Nay
Commissioner Lovell	Yea
Mayor Knowles	Yea

Three yeas, one nay, the Commission approved the amended plan.

PUBLIC HEARINGS:

ADOPTED ORDINANCE 04-32 VACATING AN ALLEY IN LEESBURG REALTY COMPANY ADDITION, NORTH OF WEST MAIN STREET AND EAST OF MOSS STREET

FD Pfeilsticker read the ordinance by title only, as follows:

An ordinance of the City of Leesburg, Florida, vacating an alley lying in Leesburg Realty Company Addition as recorded in Plat Book 2, page 6, Public Records of Lake County, Florida, said property generally located north of West Main Street, east of Moss Street, lying in Section 27, Township 19 south, Range 24 east, Lake County, Florida; and providing for an effective date.

Commissioner Lovell moved to approve the ordinance and Commissioner Puckett seconded the motion. The roll call vote was as follows:

Commissioner Puckett	Yea
Commissioner Lovell	Yea
Commissioner Christian	Yea
Mayor Knowles	Yea

Four yeas, no nays, the Commission adopted the ordinance.

TABLED JOANNE L. NEUMAN REVOCABLE FAMILY TRUST ANNEXATION AND COMP PLAN CHANGE UNTIL THE JUNE 28, 2004 CITY COMMISSION MEETING

CM Stock requested the Commission table these items as proper documentation has not been received for the annexation or comprehensive plan change.

Commissioner Lovell moved to table this item until the June 28, 2004 City Commission Meeting. Commissioner Puckett seconded the motion and it passed unanimously.

ADOPTED ORDINANCE 04-33 ANNEXING APPROXIMATELY .33 ACRES OWNED BY MICHAEL & CARLA CLAY EAST OF U.S. HIGHWAY 27/441 AND NORTH OF EUREKA

FD Pfeilsticker read the ordinance by title only, as follows:

An ordinance annexing certain property owned by Michael Clay and Carla Clay, said property consisting of approximately .33 acres and being generally located east of U.S. Highway 27/441 (Citrus Boulevard), north of Eureka Avenue, lying

MINUTES OF THE JUNE 14, 2004 CITY COMMISSION MEETING

in Section 15, Township 19 south, Range 24 east, Lake County, Florida, which is contiguous to the city limits of the City of Leesburg, Florida; providing that said property so annexed shall be liable for its proportionate share of the existing and future indebtedness of said City; providing that such annexed property shall be subject to all laws and ordinances of said city as if all such territory had been a part of the City of Leesburg at the time of passage and approval of said laws and ordinances; providing that said property shall be placed in Commission District 1; and providing for an effective date.

Commissioner Lovell moved to approve the ordinance and Commissioner Puckett seconded the motion. The roll call vote was as follows:

Commissioner Christian	Yea
Commissioner Puckett	Yea
Commissioner Lovell	Yea
Mayor Knowles	Yea

Four yeas, no nays, the Commission adopted the ordinance.

ADOPTED ORDINANCE 04-34 AMENDING THE COMPREHENSIVE PLAN FOR APPROXIMATELY .33 ACRES FROM COUNTY URBAN TO CITY C

FD Pfeilsticker read the ordinance by title only, as follows:

An ordinance amending the comprehensive plan for the City of Leesburg, changing the future land use map designation of certain property containing approximately .33 acres and generally located east of U.S. Highway 27/441 (Citrus Boulevard), north of Eureka Avenue, lying in Section 15, Township 19 south, Range 24 east, Lake County, Florida, from County Urban to City C (Commerce); and providing an effective date.

Commissioner Lovell moved to approve the ordinance and Commissioner Christian seconded the motion. The roll call vote was as follows:

Commissioner Puckett	Yea
Commissioner Lovell	Yea
Commissioner Christian	Yea
Mayor Knowles	Yea

Four yeas, no nays, the Commission adopted the ordinance.

ADOPTED ORDINANCE 04-35 REZONING APPROXIMATELY .33 ACRES

FD Pfeilsticker read the ordinance by title only, as follows:

An ordinance of the City of Leesburg, Florida, rezoning approximately .33 acres generally located east of U.S. Highway 27/441 (Citrus Boulevard), north of Eureka Avenue, lying in Section 15, Township 19 south, Range 24 east, Lake County, Florida, from County C-2 (Community Commercial) to City C-3 (Highway Commercial); and providing an effective date.

MINUTES OF THE JUNE 14, 2004 CITY COMMISSION MEETING

Commissioner Lovell moved to approve the ordinance and Commissioner Christian seconded the motion. The roll call vote was as follows:

Commissioner Lovell	Yea
Commissioner Christian	Yea
Commissioner Puckett	Yea
Mayor Knowles	Yea

Four yeas, no nays, the Commission adopted the ordinance.

INTRODUCED AN ORDINANCE AMENDING THE BUDGET FOR THE GENERAL, CDBG, AND WATER FUNDS

Commissioner Lovell introduced the ordinance to be read, by title only. FD Pfeilsticker read the ordinance as follows:

An ordinance of the City Commission of the City of Leesburg, Florida amending the fiscal year 2003-04 budget for the General, CDBG, and Water funds, and providing an effective date.

INTRODUCED AN ORDINANCE ADDING §22-166 TO THE CODE OF ORDINANCES PROVIDING FOR AUTOMATIC ADJUSTMENTS TO THE ELECTRIC, GAS, WATER, WASTEWATER AND REUSE WATER UTILITY RATES AND CHARGES

Commissioner Lovell introduced the ordinance to be read, by title only. FD Pfeilsticker read the ordinance as follows:

An ordinance of the City of Leesburg, Florida adding §22-166 to the Code of Ordinances pertaining to utility rates and charges; setting forth legislative findings; providing for automatic annual adjustments to utility rates based on the gross domestic product implicit price deflator index; repealing conflicting ordinances; providing a savings clause; and providing an effective date.

INTRODUCED AN ORDINANCE VACATING AN UTILITY EASEMENT OVER LOT 11, BLOCK B OF HERITAGE COVE FOR PAULA R. JORDAN

Commissioner Lovell introduced the ordinance to be read, by title only. FD Pfeilsticker read the ordinance as follows:

An ordinance of the City of Leesburg, Florida, vacating a utility easement over a portion of Lot 11, Block B, of Heritage Cove, as recorded in Plat Book 24, Page 2, Public Records of Lake County, Florida, owned by Paula R. Jordan, said property generally located north of Bentley Road and west along Yorktown Drive, lying in Section 24, Township 19 south, Range 24 east, Lake County, Florida; and providing for an effective date.

MINUTES OF THE JUNE 14, 2004 CITY COMMISSION MEETING

INTRODUCED AN ORDINANCE ACCEPTING THE DEED AND BILL OF SALE FROM MIDWAY BAPTIST CHURCH FOR INFRASTRUCTURE ON PROPERTY ON BLOSSOM LANE

Commissioner Puckett introduced the ordinance to be read, by title only. FD Pfeilsticker read the ordinance as follows:

An ordinance of the City of Leesburg, Florida, accepting a deed and bill of sale by and between Midway Baptist Church Leesburg, Florida, Inc., as grantor, and the City of Leesburg, as grantee, pertaining to land located in Section 23, Township 19 south, Range 25 east, Lake County, Florida; and providing an effective date.

INTRODUCED AN ORDINANCE ACCEPTING THE DEED AND BILL OF SALE FROM SOUTH LEESBURG BUSINESS CENTER PROPERTY OWNERS ASSOCIATION FOR PROPERTY ON FRONTAGE ROAD OFF US HWY 27 SOUTH

Commissioner Puckett introduced the ordinance to be read, by title only. FD Pfeilsticker read the ordinance as follows:

An ordinance of the City of Leesburg, Florida, accepting a deed and bill of sale by and between South Leesburg Business Center Property Owners Association, Inc., as grantor, and the City of Leesburg, as grantee, pertaining to land located in Section 14, Township 20 south, Range 24 east, Lake County, Florida; and providing an effective date.

INTRODUCED AN ORDINANCE REZONING APPROXIMATELY 29.8 ACRES ON US HWY 27 SOUTH, SOUTH OF COUNTY ROAD 48 FOR ZAPPALA, MUSCARELLA & ASSOCIATE

Commissioner Puckett introduced the ordinance to be read, by title only. FD Pfeilsticker read the ordinance as follows:

An ordinance of the City of Leesburg, Florida, rezoning approximately 29.8 acres generally located north and west of Legacy of Leesburg, south of County Road 48, and east of U.S. Highway 27, lying in Sections 13, 14, 23, and 24, Township 20 south, Range 24 east, Lake County, Florida, from R-3 (Moderate Density Residential) to C-3 (Highway Commercial); and providing an effective date.

INTRODUCED AN ORDINANCE AMENDING THE CITY CODE TO BAN COMMERCIAL SIGNS ON BENCHES, BUS STOP SHELTERS AND WASTE RECEPTACLES

Commissioner Puckett introduced the ordinance to be read, by title only. FD Pfeilsticker read the ordinance as follows:

An ordinance amending the portion of the Sign Code of the City of Leesburg, Florida, which lists prohibited signs, to prohibit signs other than commemorative or dedicatory plaques on benches, waste receptacles and bus stop shelters, whether on public rights of way or private property; repealing conflicting ordinances; providing a savings clause; and providing an effective date.

MINUTES OF THE JUNE 14, 2004 CITY COMMISSION MEETING

Commissioner Christian questioned when the signs will be removed. DCM Johnson stated all benches will be removed by June 17, 2004. All the bus shelters will be removed by June 17, 2004. Staff will notify the County to see if they will also request benches and shelters be removed.

APPROVED RANKING OF FIRMS FOR ENGINEERING, PLANNING AND STUDIES FOR VARIOUS AIRPORT PROJECTS

CM Stock stated staff recommends approval of the ranking for engineering, planning and studies at the airport as follows: 1.) MEA Group, Inc.; 2.) Wilbur Smith & Associates, Inc.

Commissioner Puckett moved to approve the ranking of the firms. Commissioner Lovell seconded the motion. The roll call vote was as follows:

Commissioner Christian	Yea
Commissioner Puckett	Yea
Commissioner Lovell	Yea
Mayor Knowles	Yea

Four yeas, no nays the Commission approved the ranking of the firms.

DISCUSSED NOISE LEVEL ISSUES CREATED BY COMMERCIAL/INDUSTRIAL USES DURING NIGHT TIME HOURS

CM Stock stated staff has received several complaints from citizens regarding businesses inside and outside the City limits. The City does not have a noise ordinance at this time. Staff is requesting authorization to draft a noise ordinance.

Commissioner Puckett questioned if a noise ordinance would be enforceable. CA Morrison stated the more complex the ordinance, the easier it will be to enforce. This takes away any subjectivity of the ordinance.

Commissioner Lovell stated the best way to enforce this is to approach those who are making the noise and discuss ways to eliminate or reduce the noise. People should police themselves and work together to resolve the problem.

Mr. Tucker, a business owner, stated there are definite laws on the books that forklifts and other machinery must make to overcome the other machinery. OSHA enforces those laws strictly. He suggested limiting the time of day the businesses can operate.

Commissioner Lovell moved to involve staff with adopting a night time noise ordinance. Commissioner Puckett seconded the motion. The roll call vote was as follows:

Commissioner Puckett	Yea
Commissioner Lovell	Yea
Commissioner Christian	Yea
Mayor Knowles	Yea

Four yeas, no nays, the Commission authorized staff to have a night time noise ordinance drafted.

APPROVED VISTA PAK BUILDING RENOVATIONS

CM Stock reviewed the background on previous discussions regarding the Vista Pak Building. CM Stock stated staff is recommending putting funds into next year's budget to cover the cost of renovating this building.

Commissioner Puckett questioned how much money will be needed. DCM Johnson stated that over the next five years approximately \$200,000 will be required. Commissioner Puckett stated it would be value added to the property.

CM Stock stated several Commissioners has voiced concern over spending money on a building to be used short term.

Commissioner Lovell stated he is in favor of putting the money into renovating the building for whatever use the City has for it. He noted the second issue is the support for the Center for the Arts and the Partnership.

Commissioner Lovell moved to adopt option 1 (make improvements for the City, Leesburg Center for the Arts, and Leesburg Partnership). It is a worthwhile building to preserve. Commissioner Puckett seconded the motion.

Commissioner Christian questioned if an appraisal had been done. CM Stock stated an appraisal was done before it was purchased.

Jim Miller, realtor and citizen, stated the building could easily be sold after being fixed up. There are 11,000 square feet in the building.

Commissioner Christian stated the City bought the property for a good price. He questioned what the building would be used for after the Civic Center is built. CM Stock stated the building could be used for storage for the City and the Partnership. Space could be used by other non-profit organizations.

Commissioner Puckett stated the property could become a losing proposition if it is not sold in five years and only used for storage.

Vanessa Bean, CDC, spoke on the topic of equality. She noted the bottom line on this topic is to come up with a plan which will accommodate the Center for the Arts and the Partnership. She stated if money is put into the Vista Pak Building, then money should also be put into another building. She noted she would not like to see this go to a lawsuit similar to that which formed the CDC.

CM Stock stated there is a difference between the two buildings. The Vista Pak Building is already owned by the City; the other property is not owned by the City. CM Stock stated the Minatee Group will need to request funds in writing before it can be considered in next year's budget.

Commissioner Puckett stated the City has the vague threat of a lawsuit. If that is the case, the City should not take part of any of this – the schools or the Center for the Arts. CA Morrison stated the safe harbor is to not fund anyone.

MINUTES OF THE JUNE 14, 2004 CITY COMMISSION MEETING

Don Lukich, resident of Leesburg, agreed with Commissioner Puckett. He feels the City does not need to be involved in any lawsuit at this time. This issue should be tabled and forgotten.

Henry Couture, treasurer for the Center for the Arts, stated he refused to be threatened on a racial issue when there is none present. There is nothing racial about the Center for the Arts. Threats can not be allowed.

Commissioner Christian stated it is great that all citizens can work with the children. It is not a racial issue. The Center for the Arts and the Partnership do a great job. The children can not be made better by working against each other; it requires working together.

Vanessa Bean apologized to Mr. Couture for offending him. It was not her intent to threaten about starting a lawsuit. She stated it is time for the City to look at her area of the City.

Linda Renn, a citizen, stated some children learn differently. Children that can not learn math through the FCAT are able to learn it through art.

Vanessa Bean stated a director for the Center for the Arts suggested she is racist. Mrs. Bean stated if one non-profit organization is given funding, then other non-profit organizations should also be given funding. The treatment needs to be equal.

Don Lukich stated it is up to the City Commissioners to spend or allocate funds to organizations it sees fit. The decisions are made on what is best for the community as a whole.

John L. Johnson, citizen, stated what one person says does not state the position of all people. Most people do not share the same feeling expressed by Mrs. Bean.

Commissioner Lovell left the room at 8:03 p.m. and returned at 8:05 p.m.

Tom Grizzard, realtor, stated the Commission needs to stand up and be good stewards of the City's citizens. Spend the money now and then put the building back on the tax roll later.

CA Morrison stated, while it is safest to not fund anyone, the issue will not be best resolved this way. The Commission is not obligated to fund all non-profit organizations if it funds one of them.

The roll call vote was as follows:

Commissioner Lovell	Yea
Commissioner Christian	Yea
Commissioner Puckett	Yea, with reservations
Mayor Knowles	Yea

Four yeas, no nays, the Commission approved Option 1.

MINUTES OF THE JUNE 14, 2004 CITY COMMISSION MEETING

ADOPTED RESOLUTION 7153 APPOINTING RAY SHARP, DIRECTOR OF ENVIRONMENTAL SERVICES AND A DESIGNATED COMMISSIONER TO THE DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) BASIN WORKING GROUP

CM Stock stated a Commissioner needs to be appointed to this group.

Commissioner Lovell volunteered to be the elected official to the DEP Basin Working Group.

Commissioner Lovell introduced the resolution to be read, by title only. FD Pfeilsticker read the resolution as follows:

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to appoint Ray Sharp, Director of Environmental Services and a designated Commissioner to the DEP Basin Working Group; providing an effective date.

Commissioner Lovell moved to approve the resolution adding his name as the designated Commissioner. Commissioner Puckett seconded the motion. The roll call vote was as follows:

Commissioner Christian	Yea
Commissioner Puckett	Yea
Commissioner Lovell	Yea
Mayor Knowles	Yea

Four yeas, no nays, the Commission adopted the resolution.

CITY ATTORNEY ITEMS: None

CITY MANAGER ITEMS:

1. CM Stock stated this is the last City Commission meeting for DCM Robert Johnson. He asked everyone to join him in thanking Mr. Johnson for all his work and effort for the City. A public reception will be held during the week of June 25, 2004.
2. CM Stock introduced Lora Bailey as the Interim Deputy City Manager. He has encouraged her and other staff members to apply for the position. Commissioner input will be requested for the interview team. CM Stock also noted Assistant City Manager Ed Smyth would be filling in as Interim Public Works Director. This change may cause some projects to be delayed slightly.
3. CM Stock stated he is requesting adoption for a norms and procedures policy in order to provide a better sense of teamwork between staff and the Commission. CM Stock stated he is withdrawing any applications he has made for employment elsewhere.

Agnes Berry, citizen, stated this City staff has been very helpful to the Carver Heights, Montclair areas. The race card has not been in the forefront. Staff has supported the area 100% since 1997. Everyone is grateful to the support provided by the City.

MINUTES OF THE JUNE 14, 2004 CITY COMMISSION MEETING

ROLL CALL:

Commissioner Christian – thanked CM Stock for withdrawing his applications and deciding to stay with the City. Commissioner Christian also thanked DCM Johnson for all his work and wished him well.

Commissioner Puckett – none.

Commissioner Lovell - stated the discussion tonight was very healthy. The civility issue is a great issue for America. The civil protocol being proposed by the City Manager is a good thing.

Mayor Knowles – stated he will be present at the next meeting, but will not be present at the first meeting in July.

Commissioner Puckett moved to adjourn the meeting at 8:25 p.m. Commissioner Lovell seconded the motion and it passed unanimously.

Mayor

Attest:

City Clerk

Diane Gibson Smith
Recorder